

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 11-22 have been canceled in favor of new claims 23-32. New claims 23-32 have been drafted to avoid the issues underlying the 35 USC 112, second paragraph, rejections applied to claims 13, 15, 16, and 19-22. Support for the subject matter of the new claims is provided for example in the original claims.

Regarding the objection applied to the specification for reciting "f.e." in paragraph [0077] of the published application, the Applicants respectfully submit that the Office Action has mistaken paragraph [0077] of the Bohnke et al. (US 2002/0102940) reference for paragraph [0077] of the Applicants' specification. Bohnke recites "f.e." in paragraph [0077], but Applicants' specification does not. Therefore, withdrawal of the objection to the specification is deemed to be warranted.

Claims 11-22 were rejected, under 35 USC § 102(b), as being anticipated by Bohnke. To the extent these rejections may be deemed applicable to new claims 23-32, the Applicants respectfully traverse based on the points set forth below.

New claim 23 recites features of canceled claims 11 and 13 and defines a wireless communication apparatus that allocates all subcarriers in a communication band to communicating parties when a sum of an amount of data of channel quality information about a subset of subcarriers selected for allocation to the communicating parties and an amount of subcarrier identification information indicating the selected subcarriers is larger than an amount of data of channel quality information about all subcarriers in the communication band. Otherwise, only the

selected subset of subcarriers are allocated to the communicating parties. The claimed subject matter provides an advantage of reducing the amount of information communicated between a wireless communication apparatus and its communicating parties when allocating subcarriers to the communicating parties (see specification page 3, line 16, through page 4, line 5). (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.) The reduction of information is achieved by not identifying the selected subset of subcarriers when doing so would increase the amount of communicated information beyond that needed only to identify the reception quality of all subcarriers in the communication band.

The Office Action cites Bohnke's paragraph [0032] for disclosing variable length PDU messages that provide logical channel status information (see the Office Action, Section 10).

However, Bohnke's disclosure of variable length PDU messages that provide channel status information (i.e., modulation and coding schemes) is not identical to the claimed subject matter of allocating all subcarriers in a communication band to communicating parties when a sum of an amount of data of channel quality information about a subset of subcarriers selected for allocation to the communicating parties and an amount of subcarrier identification information indicating the selected subcarriers is larger than an amount of data of channel quality information about all subcarriers in the communication band and, otherwise, allocating only the selected subset of subcarriers to the communicating parties.

Accordingly, the Applicants submit that Bohnke does not anticipate the subject matter defined by new claim 23. Independent claim 30 similarly recites the above-mentioned subject

matter distinguishing apparatus claim 23 from Bohnke, but with respect to a method. Therefore, allowance of claims 23 and 30 and all claims dependent therefrom is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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JEL/DWW/att

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